

BOSE MCKINNEY &amp; EVANS LLP

CUSTOMER NUMBER 25267

2700 First Indiana Plaza  
135 North Pennsylvania Street  
Indianapolis, Indiana 46204  
(317) 684-5000PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Art Unit:* 2655 }  
*Atty. Docker:* 14184-0019 }  
*Applicant:* Griner et al. }  
*Title:* SYSTEM AND METHOD }  
 OF CREATING DIGITAL }  
 RECORDINGS OF LIVE }  
 PERFORMANCES }  
*Serial No.:* 10/624,077 }  
*Filed:* July 21, 2003 }  
*Examiner:* Neyzari }

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AUG 18 2004

OFFICIAL

**REQUEST FOR RECONSIDERATION OF DECISION TO DENY APPLICANTS'**  
**PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102**

VIA FACSIMILE: 1-703-872-9306

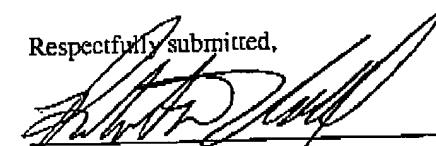
Dear Special Program Examiner Bost:

Applicants hereby respectfully request reconsideration of the Decision to deny Applicants' Petition to Make Special filed May 21, 2004. In the Decision, mailed August 10, 2004, the Special Program Examiner indicated that the Petition was denied because a statement is required regarding the references considered most closely related to the subject matter of the claims. Applicants hereby state that the references most closely related to the subject matter encompassed by the claims are already of record through submission of Information Disclosure Statements on May 13, 2004 and June 22, 2004. Accordingly, copies of references were not submitted with the Petition. With this statement, Applicants respectfully request that the Petition to Make Special be granted. Timely action to such end is hereby requested.

The Commissioner is hereby authorized to charge any additional filing fees under 37 C.F.R. 1.16 or processing fees under 37 C.F.R. 1.17 which may be required during the prosecution of this application, or credit of any overpayment, to Bose McKinney & Evans LLP's Deposit Account No.

02-3223

Respectfully submitted,



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Registration No.: 40,746

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